

Thirty-third Legislature, and Chapters 26 and 99; General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 35 of the Acts of the Regular Session of the Thirty-sixth Legislature, and Chapter 105 of the Acts of the Regular Session of the Thirty-sixth Legislature, and Chapter 50 of the General Laws of the Third Called Session of the Thirty-seventh Legislature, Chapter 10 of the General Laws of the First Called Session of the Thirty-seventh Legislature, and Chapter 97, of the Regular Session of the Thirty-eighth Legislature with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Willacy County."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PARR, Chairman.

Committee Room,
Austin, Texas, January 26, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 17, A bill to be entitled "An Act to provide for co-operation between the State of Texas and the U. S. Department of Agriculture in the destruction of rodent pests—prairie dogs, rats, pocket gophers and ground squirrels, and predatory animals—coyotes, wolves, mountain lions, bob-cats and other predatory animals; appropriating funds for such purposes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PARR, Chairman.

Committee Room,
Austin, Texas, January 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No.

50 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, January 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 30 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, January 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 77 carefully examined and compared, and find the same correctly engrossed.

STRONG, Chairman.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, January 28, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Bailey.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

See appendix for standing committee reports.

Bills and Resolutions.

By Senator Woodward:

S. B. No. 161, A bill to be entitled "An Act to repeal Article 791 of the Code of Criminal Procedure of 1911 of the State of Texas, relating to the testimony of principals, accomplices and accessories."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Smith:

S. B. No. 162, A bill to be entitled "An Act to create the Hobbs Independent School District in Fisher County, Texas, including therein the present Hobbs Common Consolidated District No. 18 in Fisher County; providing a board of trustee therefor, vesting said independent school district board of trustees with all the rights, powers, privileges and duties of independent districts incorporated under the General Laws of Texas; validating bonds, indebtedness, contracts, and tax levies of said district No. 18, and making the same valid obligations and contracts of the said Hobbs Independent District; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by general law, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Smith:

S. B. No. 163, A bill to be entitled "An Act to create the Blackwell Independent School District in Nolan County, Texas, including therein the present Blackwell Common School District No. 23 in Nolan County; providing a board of trustees therefor, vesting said independent school district board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; validating for Blackwell Independent District current indebtedness and taxes of the said Common School District No. 23; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by general law, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Berkeley:

S. B. No. 164, A bill to be entitled "An Act to amend Article 5131 of the Penal Code of the State of Texas, regarding the unlawful boarding of trains."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Davis:

S. B. No. 165, A bill to be entitled "An Act to repeal Chapter 35, page 68 of the General Laws of the State of Texas, Thirty-eighth Legislature, Regular Session, in reference to accepting the provisions of the Shepard-Towner Act, and declaring an emergency, said emergency being that the law as it now exists calls for appropriations to be made in the sum of \$72,901.04 out of the State Treasury of the State of Texas, and it is necessary to reduce appropriations in order to bring our expenditures within our revenue."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Davis:

S. B. No. 166, A bill to be entitled "An Act making certain kinds of insurance companies doing business in this State liable for additional expenses, loss and injury entailed by reason of refusing to pay holders of their policies on which certain losses have occurred, and to provide a penalty therefor, together with reasonable attorney's fees, and to declare an emergency."

Read first time and referred to Committee on Banking.

By Senator Holbrook:

S. B. No. 167, A bill to be entitled "An Act creating the Matagorda Independent School District in Matagorda County, Texas, defining its boundaries, dividing said district into two wards and dividing the boundaries of each ward, providing for the election of a board of trustees to manage and control the public free schools within said district, providing for the continuance in office of the present board of trustees of the Matagorda Independent School District, who shall act as trustees of this district until the election and qualification of their successors, vesting the management and control of the public free schools within said district in said board of trustees, providing that said board of trustees shall be a body politic, corporate in law, and capable of suing and being sued, providing for the filling of vacancies on said board, providing for the annual election of trustees in said district, providing for the meeting and organization of said board, providing that of the seven

trustees to be elected in said district four of this number shall reside in the Gulf ward and three in the Matagorda ward, conferring general supervisory authority upon said board of trustees, subject to the General Laws of this State, providing for the selection by said board of its officers, authorizing said board of trustees to furnish free transportation to certain high school students, investing said board of trustees with the same general powers as are conferred by the statutes of this State upon the board of trustees of independent school districts, investing said district with all powers, rights and duties of independent school districts formed for free school purposes only, providing that the available school funds that have heretofore or that may be hereafter apportioned to the territory embraced in this district shall be paid immediately upon the passage of this Act to the depository of said new district, providing for the selection of a depository, providing that if any of the territory embraced in this district shall by the time of the passing of this Act constitute a portion of another district against which there may be an outstanding bonded indebtedness, that such territory shall not be released from its pro rata part of said bonded indebtedness until the same is paid, providing that if any section or sections of this Act should be held by the courts to be unconstitutional, that such action shall not in any wise affect the remaining sections of said Act, providing that this Act shall be cumulative of all General Laws now in force or to be hereafter enacted, governing independent school districts, providing that said school trustees shall maintain a high school at Gulf and an elementary school at Matagorda and Gulf, providing that the passage of this Act shall not in any wise affect or abrogate any local tax now being levied, assessed and collected in any portion of said district for school purposes, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Lewis:

S. B. No. 168, A bill to be entitled "An Act to repeal Chapter 134 of the Local and Special Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, being

an Act to create a more efficient road law for Walker County, Texas, etc., as amended by Chapter 6 of the Special Laws of the First Called Session of the Thirty-fourth Legislature of the State of Texas, and as further amended by Chapter 32 of the Special Laws of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, to place Walker County under the operation of the General Road Laws of the State of Texas, and providing that nothing in this Act shall affect in any wise road bonds heretofore issued by said Walker County or any subdivision thereof, or impair any existing contract executed or entered into by the commissioners' court of said Walker County pursuant to the special road law hereby repealed, and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Stuart:

S. B. No. 169, A bill to be entitled "An Act to provide for the organization and government of Water Control and Improvement Districts under and in accordance with the provisions of Section 52 of Article 3 of the Constitution, and or, under and in accordance with the provisions of Section 59 of Article 16 of the Constitution, providing such districts may have and exercise all the authority and privileges provided by the Constitution, providing the manner of organizing and operating, issuing notes and bonds, incurring debts, levying taxes and assessments to pay bonds and debts and interest and charges thereon and operating expenses, and having such debts and bonds approved and validated, including the validation of proceedings of organization and issuance of bonds by such districts and by water improvement and irrigation districts becoming or being converted into such water control and improvement districts. Providing such districts may acquire water rights and other property and buy, acquire or construct improvements, reservoirs, dams, canals, levees, drainage ditches, and any and all rights, properties or things incident to the control and improvement of rivers, streams, creeks, and water courses and supplies, and including all the rights and privileges and

functions provided for by the Constitution, providing such districts may contribute to or receive contributions from any person, municipal corporation, county, district, water improvement district, irrigation district, levee improvement district or improvement district that such contributions may be made upon a definite percentage or fixed or determined basis and may be made by any such person or organization. Providing for the election and the appointment of five directors and the officers and employees of a district and their qualifications and bonds and oaths, and the duties and authority thereof, the manner of incurring debts and issuing notes and bonds and levying and assessing taxes on all property in a district subject to taxation to pay such debts and operating expenses including organization and incidental expenses. Providing for receipt and expenditure of funds, selection of depositories, sale of water, including and excluding lands, and the management and operation and conduct of such districts, the consolidation of districts, joint operation of two or more districts in construction of improvements, and provisions for the government, control and operation thereof. Providing that irrigation and water improvement districts may be converted into water control and improvement districts. Providing the method of organizing districts in cities and towns. Providing this Act shall not in any manner affect or repeal other laws providing other methods of organizing districts nor repeal or affect laws providing for the organization of water of water improvement districts, levee improvement districts or drainage districts, but that this Act shall apply to and affect only districts organized hereunder or converted into water control and improvement districts under the provisions hereof, and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Witt:

S. B. No. 170, A bill to be entitled "An Act to declare in what cases and to what extent Courts of Civil Appeals shall deliver written opinions in cases pending in such courts."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 171, A bill to be entitled "An Act requiring every agent or inspector of any railroad or other public carrier on demand of shipper or consignor examining any shipment of fruit, vegetable, grain livestock or other farm product, prior to shipment, to ascertain the condition thereof, to forthwith deliver to the shipper or consignor true copies of any and all reports or certificates by him made concerning the condition thereof; making the failure to observe such a requirement or the wilful making or publication of a false report as to the condition thereof, a misdemeanor, and providing a penalty therefor, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Wirtz by request:

S. B. No. 172, A bill to be entitled "An Act to provide the method of preparing statement of facts in all cases appealed or taken up on writ of error, and for the consideration of same by the appellate courts, and for the inclusion there in of bills of exception, and for the repeal of all laws or parts of laws in conflict with this Act."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Stuart:

S. B. No. 173, A bill to be entitled "An Act amending Section 2, Chapter 29, General Laws of the Thirty-eighth Legislature, enacted at the Third Called Session thereof, so as to add the words "in contemplation of death" to the clause levying a tax upon property passing by deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor or donor."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Murphy:

S. J. R. No. 6, A joint resolution "Proposing an amendment to Article 3 of the Constitution of the State of Texas providing for a State tax to be levied and collected to pay pensions to persons who have served as much as thirty years as teacher or

instructor in the public schools or educational institutions in this State operated under governmental authority and providing for the publication and submission of said amendment to the qualified voters of this State."

Read first time and referred to Committee on Constitutional Amendments.

S. C. R. No. 12.

By Senator Davis:

Resolved by the Senate of Texas, the House of Representatives concurring, That we do hereby extend to Dr. Hamilton Holt an invitation to deliver an address on the League of Nations and kindred subjects in the chamber of the House of Representatives at 11 o'clock a. m., on February 10, 1925, and it is so ordered.

The above resolution was read and adopted.

House Bill No. 168.

The Chair laid before the Senate, on second reading and regular order,

H. B. No. 168, A bill to be entitled "An Act to extend the corporate limits of the City of Kingsville so as to include therein certain land adjacent thereto upon which is being constructed the South Texas Teachers' College, and declaring an emergency."

The committee report, that the bill be not printed, was adopted.

The bill was read second time and passed to third reading.

Morning call concluded.

Simple Resolution No. 16.

The Chair, Lieutenant Governor Miller, here laid before the Senate, as a special order for this hour, Simple Resolution No. 15, by Senator Hardin of Kaufman, as follows:

"Whereas, Her Excellency, Miriam A. Ferguson, is now the Governor of Texas, duly elected by the people of the State, and

Whereas, In her campaign for election the said Miriam A. Ferguson declared to the people of Texas that the principal reason for her candidacy was, that the judgment of impeachment against her husband, James E. Ferguson, might be removed and that the name of her family might be vindicated, and

Whereas, The verdict of the people of Texas was in her favor, and

may be fairly and reasonably interpreted as an expression of their will, that the judgment of impeachment against her husband be removed; therefore be it

Resolved by the Senate of Texas, That the judgment of impeachment against the said James E. Ferguson should be and of right ought to be set aside, and that all disqualifications incident to that impeachment be removed; and be it further

Resolved, That the President of the Senate be, and he hereby is, empowered to appoint a committee of three members of the Senate whose duty it shall be to inquire and report back to the Senate as to what steps will be necessary in order to accomplish the purpose herein expressed."

The above resolution was read, and

The Chair laid before the Senate Simple Resolution No. 16, offered by Senator Price as a substitute for Simple Resolution No. 15:

"Whereas, Her Excellency, Mrs. Miriam A. Ferguson, has been by the people of Texas elected to the office of Governor of said State, and

Whereas, In her campaign before the people, the said Mrs. Miriam A. Ferguson declared that her main purpose in aspiring for said office was to have removed the judgment heretofore rendered by the Senate of Texas against her husband, James E. Ferguson, a former governor, removing him from office and disqualifying him from holding any office of honor, trust or profit under this State, and

Whereas, The opinion has been expressed that the election of Mrs. Ferguson determines that it is the desire of the people of Texas to restore to James E. Ferguson, Ex-Governor, the full political rights enjoyed by him prior to his impeachment and conviction; therefore be it

Resolved by the Senate of Texas, That the President of the Senate be, and he is hereby empowered and requested to appoint a committee of five members of the Senate whose duty it shall be to investigate and report back to the Senate the means or method of procedure whereby the political rights of said James E. Ferguson may be restored to him in keeping with law and the Constitution; and be it further

Resolved, That such committee shall during its deliberations invoke

the advice and counsel of the Attorney General and of other persons learned in the law and Constitution of this State."

These resolutions were filed with the Senate on January 21, and January 22, respectively.

Senator Hardin of Kaufman accepted the substitute for his resolution, and action recurred on Simple Resolution No. 16, as a substitute for Simple Resolution No. 15, which substitute was adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 2, A bill to be entitled "An Act abolishing the Markets and Warehouse Department and Weights and Measures Department, conferring all authority, powers, duties, functions, rights and liabilities of the Commissioner of Markets and Warehouses and of said Markets and Warehouse Department and Weights and Measures Department upon the Commissioner of Agriculture; abolishing the board, consisting of the Governor, Commissioner of Agriculture, and the Commissioner of Insurance and Banking, created by Chapter 5, General Laws of the Second Called Session of the Thirty-third Legislature, and vesting the powers and duties of said board in the Commissioner of Agriculture; conferring the powers and duties of the Banking and Insurance Commissioner, relative to warehouses, upon the Commissioner of Agriculture, except such as are conferred by Chapter 3, General Laws, Second Called Session of the Thirty-third Legislature, conferring powers and authority upon the Commissioner of Agriculture to administer the provisions of Chapter 5, General Laws, Second Called Session of the Thirty-third Legislature, Chapter 41, General Laws, First Called Session of the Thirty-fifth Legislature, and Chapters 116 and 126 of the General Laws, Regular Session of the Thirty-sixth Legislature, and such powers and duties as are conferred upon the Commissioner of Markets and Warehouses by Chapter 22, Acts of the Regular Session

of the Thirty-seventh Legislature, and Chapter 38, Acts of the Second Called Session of the Thirty-eighth Legislature, or so much of said statutes as are in force; transferring the appropriations of the Markets and Warehouse Department and the Weights and Measures Department to the Commissioner of Agriculture, authorizing said commissioner to rearrange salaries and eliminate duplicating offices or positions, and declaring an emergency."

H. B. No. 44, A bill to be entitled "An Act to prohibit any teacher who has not paid his poll tax from teaching in any school in this State that is supported by local or State tax; and declaring an emergency." Amended by striking out the enacting clause.

H. B. No. 12, A bill to be entitled "An Act authorizing the Rio Grande & Eagle Pass Railway Company to abandon Minera Station, the western terminal of said railway in Webb County, Texas, and 8,000 feet of the main line track immediately southeast thereof, and to take up and remove all tracks, bridges and culverts within the area, and creating an emergency."

H. B. No. 116, A bill to be entitled "An Act authorizing owners of oil and gas permits and leases issued on University land to sell and transfer same as a whole or in tracts not less than 40 acres except in certain cases."

H. B. No. 122, A bill to be entitled "An Act validating the proceedings of the county school boundaries of Alice Independent School District in said Jim Wells County and validating all proceedings had with respect to levying a tax of \$1.00 upon the \$100.00 valuation of all the taxable property in said school district and validating all proceedings had with reference to the issuance of \$75,000.00 of school building bonds and authorizing their issuance and repealing all laws in conflict, and declaring an emergency."

S. C. R. No. 11, A resolution providing for the appointment of a committee to investigate the sale of certain public property belonging to the State of Texas to the United States Government.

S. C. R. No. 8, A resolution declining to ratify the proposed Twentieth Amendment to the Constitution of the United States, by a vote of 11 yeas and 16 nays.

The following committee is appointed on part of the House, as called for in S. C. R. No. 11: Bobbitt, Smith of Travis, and Nicholson.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

Senate Bill No. 4.

The Chair here laid before the Senate, as special order for this hour, S. B. No. 4, considered on yesterday.

Action recurred on the following amendment, by Senator Stuart, which was adopted. (See Journal of yesterday for the amendment.)

Senator Stuart offered the following amendments, severally, which were read and adopted:

Amend S. B. No. 4, Section 5, page 2, by striking out the word "Anglers" in line 26 of page 2, and inserting in lieu thereof, "Fisherman's," and also amend line 29, Section 5, page 2, by striking out the words "Alien or non-resident" in line 29, page 2 of said bill.

Amend S. B. No. 4, page 3, Section 7, by inserting in line 26, page 3, after word "fish," the following:

Providing that not more than twenty-five (25) per cent of the sums of money raised under this section shall be used in the enforcement of the fish laws.

Senator Pollard offered the following amendment, which was a substitute for the bill.

The Chair held that a substitute bill would not be in order until after the pending motion by Senator Pollard, being to postpone the consideration of the bill indefinitely, was acted on. Senator Pollard withdrew his motion.

The amendment was read as follows:

To amend S. B. No. 4 by striking out all below enacting clause and adding in lieu thereof the following:

"Section 1. That Chapter 74 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, Section 6, be amended so as to hereafter read as follows:

Sec. 6. The Game, Fish and Oyster Commissioner, by and with the approval of the Governor, may sell the marl, gravel, sand, shell or mudshell included within this Act upon such terms and conditions as he may deem proper, but for not less than four cents (4c) per ton, and payment therefor shall be made to said commissioner. The proceeds arising from such sale shall be transmitted to the State

Treasurer and be credited to the Fish and Oyster Fund of the State, and may be expended by the said commissioner in the enforcement of the provisions of the sand, shell and gravel laws and in the establishment and maintenance of fish hatcheries, when provided by legislative appropriation, and in the payment of refunds provided for in Section 7, Chapter 161, of the General Laws of the Regular Session of the Thirty-eighth Legislature, to counties, cities or towns or any political subdivision of a county, city or town, as provided for in Section 7, Chapter 161, of the General Laws of the Regular Session of the Thirty-eighth Legislature.

Sec. 8. If any section of this bill shall be held unconstitutional, it shall not affect any other section of this bill, and all sections, save the one that may be declared unconstitutional, shall continue to be in full force and effect.

Sec. 9. The fact that there is now no appropriation relating to the enforcement of the provisions of the sand, shell and gravel law and the establishment and maintenance of fish hatcheries creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Senator Wood made the point of order that the substitute was not germane to the bill.

The Chair sustained the point of order.

Senator Pallord moved that the further consideration of the bill be postponed indefinitely.

The motion was lost, by the following vote, the yeas and nays being called for:

Yeas—7.

Fairchild.	Pollard.
Floyd.	Smith.
Hardin of Kaufman	Wirtz.
Moore of Cooke.	

Nays—23.

Berkeley.	Moore of Hunt.
Bledsoe.	Murphy.
Bowers.	Parnell.
Davis.	Parr.
Hardin of Erath.	Price.
Holbrook.	Real.
Lewis.	Reid.
Miller.	Russek.

Strong.
Stuart.
Triplett.
Ward.

Witt.
Wood.
Woodward.

Absent—Excused.

Bailey.

Pending discussion, Senator Parr offered the following amendment, which was read and adopted:

"Amend S. B. No. 4, as follows: By adding an additional section with proper number, as follows: "Provided that the officer enforcing the provisions of the bill shall not carry a pistol or any other firearms."

On motion of Senator Berkeley the bill was laid on the table subject to call.

Senate Bill No. 77.

Senator Moore of Hunt called from the table, and

The Chair laid before the Senate, on third reading,

S. B. No. 77, A bill to be entitled "An Act authorizing cities and towns to establish and maintain municipal bands, and to appropriate funds of the municipality for that purpose; providing for referendum elections by the qualified property tax paying voters of cities and towns to determine whether or not such band shall be established and maintained; authorizing the governing body of cities and towns to pass ordinances and resolutions and enter into contracts for the organization, maintenance, operation, and control of such bands; exempting charters already existing from the provisions hereof; repealing laws in conflict herewith, and declaring an emergency."

The bill having been read third time, was finally passed.

House Bills on First Reading.

The Chair, Lieutenant Governor Miller, referred, after their Captions had been read first time in the Senate, the following House bills:

H. B. No. 2, referred to Committee on State Affairs.

H. B. No. 12, referred to Committee on Internal Improvements.

H. B. No. 116, referred to Committee on Public Lands and Land Office.

H. B. No. 122, referred to Committee on Educational Affairs.

Senate Bill No. 39.

The Chair laid before the Senate, on second reading,

S. B. No. 39, A bill to be entitled "An Act to amend Chapter 97 of the General Laws of the State of Texas passed by the Thirty-third Legislature, found on page 183 of the General Laws of the State of Texas, passed by the Thirty-third Legislature at its Regular Session amending Article 4632 of Chapter 4 of Title 68 of the Revised Civil Statutes of the State of Texas of 1911 relating to the granting of divorces."

The bill was read second time, and the committee report, with committee amendments, was adopted.

The bill, having been read second time, was ordered engrossed.

Senate Bill No. 5.

The Chair laid before the Senate, on third reading,

S. B. No. 5, A bill to be entitled "An Act making an appropriation out of the State Treasury of the State's portion of the compensation to be paid by the State and the United States Government to owners of livestock destroyed to eradicate and prevent disease among livestock in this State."

The bill was read third time and passed finally, by the following vote:

Yeas 25.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Present—Not Voting.

Floyd.

Absent.

Fairchild.	Russek.
Hardin of Erath.	Witt.

Absent—Excused.

Bailey.

Senate Bill No. 21.

The Chair laid before the Senate, on third reading,

S. B. No. 21, A bill to be entitled "An Act adding to Chapter 17, of Harris County Road Law, passed by the Regular Session of the Thirty-third Legislature of the State of Texas, a new section, to be known as Section 5a, authorizing the commissioners' court of Harris County, Texas, for the purpose of properly laying out all roads and superintending their maintenance, to purchase automobiles for the use of commissioners when acting as road supervisors, under appropriate regulations of said court, and providing for reports thereon to the auditor, and limiting the amount to be expended therefor, and providing for the marking of said cars and a penalty for failure to mark, and declaring an emergency."

The bill was read third time and passed finally.

Special Committee Appointed.

The Chair, Lieutenant Governor Miller, announced the appointment of the following committee, provided for by the adoption of Simple Resolution No. 16, relating to the Ferguson impeachment: Senators Price, Hardin of Kaufman, Russek, Woodward and Ward.

Recess.

On motion of Senator Murphy, the Senate, at 12 m. recessed until 3 o'clock today.

After Recess.

The Senate was called to order by Lieutenant Governor Miller.

Senate Bill No. 46.

The Chair laid before the Senate, on third reading,

S. B. No. 46, A bill to be entitled "An Act authorizing any private corporation for profit, hereafter or heretofore organized under the laws of this State, other than corporations authorized to conduct a banking or insurance business, to issue shares of its stock without nominal or par value, in such classes, with such preferences and for such consideration as may be prescribed and specifying the form of certificate for such stock; and providing for filing with Secretary of State statement showing

total shares of all stock to be issued, classes thereof and actual consideration received by the corporation for shares issued without nominal or par value; and providing for not less than ten per cent of authorized number of said shares to be subscribed and paid for; and providing for the payment to the State of filing fees and franchise tax on stock without nominal or par value and determining the basis for computing such fees and tax; and providing for constituting outstanding shares of stock with nominal or par value into shares without nominal or par value and regulating and prescribing the method thereof; exempting corporations issuing shares without nominal or par value from provisions of Articles 1125 to 1130 inclusive, and Article 1141 of Revised Civil Statutes; and providing a penalty for a refusal or failure to make and file any report or certificate required by this Act; and providing the privileges and powers of this Act shall be in addition to and not in restriction or limitation of those now conferred by law, and that invalidity of part of this Act shall not affect or impair other provisions, and declaring an emergency."

The bill was read third time and passed finally.

Senate Bill No. 108.

The Chair laid before the Senate, as regular order, on its third reading and final passage,

S. B. No. 108, A bill to be entitled "An Act creating the Jarrell Common School District No. 12 in Nueces County, Texas."

The bill was read third time and passed, by the following vote:

Yeas—30.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Bailey.

Senate Bill No. 111.

The Chair laid before the Senate, as regular order, on its third reading and final passage.

S. B. No. 111. A bill to be entitled "An Act creating the Palito Blanco Independent School District in Jim Wells County, Texas."

The bill was read third time and passed, by the following vote:

Yeas—30.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Bailey.

Senate Bill No. 109.

The Chair laid before the Senate, as regular order, on its third reading and final passage.

S. B. No. 109. A bill to be entitled "An Act creating the Ben Bolt Independent School District of Jim Wells County, Texas."

The bill was read third time and passed, by the following vote:

Yeas—30.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Bailey.

Senate Bill No. 37.

The Chair laid before the Senate, on its third reading and final passage.

S. B. No. 37. A bill to be entitled "An Act to prevent untrue and damaging statements in reference to banks, banking institutions, trust companies, surety companies, guaranty companies, title insurance companies or other financial institutions providing the necessary penalties to accomplish such purpose, and declaring an emergency."

Senator Berkeley offered the following amendment:

Amend Section 1, line 16 and 17, by striking out surety company, guaranty company, title insurance company or other financial institutions.

The amendment was read and adopted, by the following vote:

Yeas—28.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.

Absent.

Floyd. Moore of Hunt.

Absent—Excused.

Bailey.

Senator Berkeley offered the following amendment:

Amend the Caption, by striking out surety company, guaranty company, title insurance company or other financial institutions.

The amendment was read and adopted, by the following vote:

Yeas—28.

Berkeley.	Miller.
Bledsoe.	Moore of Cooke.
Bowers.	Murphy.
Davis.	Parnell.
Fairchild.	Parr.
Hardin of Erath.	Pollard.
Hardin of Kaufman	Price.
Holbrook.	Real.
Lewis.	Reid.

Russek.
Smith.
Strong.
Stuart.
Triplett.

Ward.
Wirtz.
Witt.
Wood.
Woodward.

Absent.

Floyd.

Moore of Hunt.

Absent—Excused.

Bailey.

Senator Price offered the following amendment:

Amend S. B. No. 37, by inserting in line 13, page 1 between the words "shall" and "make," the word "knowingly."

The amendment was read and adopted by unanimous consent.

The bill, having been read third time, was passed finally.

Senate Bill No. 31.

The Chair laid before the Senate, on its second reading,

S. B. No. 31, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 25 of the Acts of the Regular Session of the Thirty-sixth Legislature and Chapter 105 of the Acts of the Regular Session of the Thirty-sixth Legislature, and Chapter 50 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, and Chapter 32 of the General Laws of the Regular Session of the Thirty-seventh Legislature, Chapter 10 of the General Laws of the First Called Session of the Thirty-seventh Legislature and Chapter 97 of the Regular Session of the Thirty-eighth Legislature with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Willacy County."

The committee report was adopted.

The bill was read second time and ordered engrossed.

11—Senate.

Senate Bill No. 33.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 33, A bill to be entitled "An Act authorizing the Rio Grande & Eagle Pass Railway Company to abandon Minera Station, the western terminal of said railroad in Webb County, Texas, and 8,000 feet of the main line track immediately southeast thereof, and to take up and remove all tracks, bridges and culverts within that area, and creating an emergency."

On motion of Senator Parr, the bill was laid on the table, subject to call.

Senate Bill No. 90.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 90, A bill to be entitled "An Act to exempt the county of Culberson from the provisions and operations of Articles 7256 to 7304, inclusive, of Chapter 7, Title 124, of the Revised Civil Statutes of 1911, relating to the inspection of hides and animals; repealing all laws in conflict therewith, and declaring an emergency."

The committee report, that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 90 put on its third reading and final passage, by the following vote:

Yeas—30.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Bailey.

S. B. No. 90 was laid before the Senate, read third time and passed finally, by the following vote:

Yeas—30.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Bailey.

Simple Resolution No. 20.

By Senator Wood:

Whereas, The Texas section of the Southwest Water Works Association is holding its Seventh Annual Short School and Convention here in the City of Austin, this week, and

Whereas, this organization is composed of, and its school attended by the mayors, water commissioners, city engineers, superintendents and water works and filter plant operators of our Texas cities, and

Whereas, the subject of the conservation of the water supply, the protection of our streams, and the production of wholesome water for our citizenry is of vital concern,

Be it Resolved, That the Senate extend to the president of this organization an invitation to address this body for ten minutes on Friday afternoon, 2:30 p. m., and at the same time extend the privilege of the Senate to the visiting water works officials.

The resolution was read and adopted.

Senate Bill No. 79.

Senator Ward called up, from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 79, A bill to be entitled "An Act to amend Article 1152 of the Penal Code of the State of Texas, 1911, relating to the punishment of the offense of libel, by providing that the punishment shall be im-

prisonment in the State Penitentiary for a period of time not less than two years nor more than four years."

Senator Ward offered the following amendment:

Amend S. B. No. 79, by striking out all of lines 7 to 22 inclusive and insert in lieu thereof the following: An Act to amend Article 1152 of the Penal Code of the State of Texas of 1911, relating to the penalty for the offense of Libel; providing for prosecution of violations of said Article 1152 previous to the taking effect of this amendment, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1152 of the Penal Code of 1911, be so amended as to hereafter read as follows, to wit:

Article 1152. Punishment. If any person be guilty of libel, he shall be deemed guilty of a felony and shall be punished by a fine of not less than one hundred (\$100.00) dollars nor more than two thousand (\$2,000.00) dollars, or by imprisonment in the county jail not exceeding two (2) years, or by confinement in the penitentiary not less than two (2) years nor more than five (5) years; and the court may enter up judgment and issue an order thereupon directing the sheriff to seize and destroy all the publications, prints, paintings or engravings constituting the libel as charged in the indictment.

Sec. 2. That all pending prosecutions at the time of the taking effect hereof, whether prosecuted by information or indictment, and all prosecutions which may originate after this Act shall have taken effect, for violations committed before this Act becomes effective, shall be prosecuted by indictment or information as misdemeanors.

Sec. 3. The fact that the offense of libel can now be prosecuted only as a misdemeanor, and offenders cannot be extradited and returned to this State for trial, creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this bill take effect from and after its passage, and is so enacted.

Senator Bowers moved that the amendment be printed in the Journal and that the bill be laid on the table subject to call.

The motion prevailed.

S. C. R No. 13.

By Senator Miller:

Whereas, persistent reports have been going about the State regarding numerous irregularities, grafts, extravagances, waste and brutal treatment of prisoners in connection with the State penitentiary system, and

Whereas, it is to the interest of the people of Texas, as well as the members of this Legislature, that said charges be thoroughly investigated and if found true the parties guilty of such irregularities such as grafts, extravagances, waste and brutal treatment of prisoners, be exposed and punished, and if said charges be false their falsity be made known to the people of Texas and the members of this Legislature, now therefore, be it

Resolved by the Senate, the House of Representatives concurring, That a committee of eight be appointed, three by the President of the Senate from the membership of the Senate, and five by the Speaker of the House of Representatives from the membership of the House to fully investigate the conduct of the State penitentiary affairs, and especially as to the treatment or mistreatment of the convicts by officers and employes of the institution; and that said committee be authorized to formulate its own rules of conduct and procedure, to fix such time or times, and place or places, for the conducting of this investigation, to administer oaths, to subpoena and compel the attendance of such witnesses at said hearing as they may deem necessary, to provide for the execution of all process and to guarantee immunity from punishment to any and all convicts called before such committee for giving information or testimony to or before said committee or any sub-committee thereof, and to take such steps as may be necessary for securing the attendance of such convicts as they may desire, and to assume control over such convicts in their attendance before said committee, and in giving all testimony in this hearing;

to provide for the payment of expenses of all witnesses summoned to appear before said committee; to employ and pay such stenographers and clerks as may be necessary in the reporting of the hearings by said committee and making the transcript of the testimony taken thereat.

That the expenses incurred by the members of said committee, including their hotel bills, board, and transportation, as well as all other necessary and proper expenses, be paid out of the contingent expense fund of the Thirty-ninth Legislature.

That said committee make its report of such investigation and its recommendations based thereon to this Legislature, if in session, and, if not in session, then to the Governor of the State of Texas, as soon as possible after the completion of such investigation.

The resolution was read, and action recurred on it.

The Senate refused to adopt the resolution, by the following vote:

Yeas 13.

Hardin of Erath.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Murphy.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Strong.	

Nays 17.

Berkeley.	Moore of Cooke.
Bledsoe.	Parnell.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Kaufman.	Smith.
Holbrook.	Woodward.
Lewis.	

Absent—Excused.

Bailey.

Adjournment.

On motion of Senator Wood the Senate, at 4 o'clock p. m. adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Bill Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Sen-

ate, after its caption had been read, the following bill:

S. B. No. 62.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 89, A bill to be entitled "An Act to create the Golden Consolidated Independent School District in Wood County, Texas, including the present Golden Independent School District, the Cottonwood Common School District, the Ayer Common School District and the Bellefonte Common School District, describing said district created by metes and bounds, providing a board of trustees therefor, vesting said school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing for an election to determine whether or not said district shall assume and pay outstanding bonds of the territory therein embraced and levy a tax therefor; providing for the establishment of high schools in said district, providing for a district superintendent of said district, giving said district the taxing and bonding powers as provided for in the laws of the State relative to independent school districts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 152, A bill to be entitled "An Act validating Common School District No. 3 of Hudspeth County, and validating a maintenance tax election heretofore held by said district; defining the powers of the county board of school trustees of Hudspeth County of said district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 120, A bill to be entitled "An Act to create the Big Wells Independent School District in Dimmit County, Texas; providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon and incorporated under the General Laws of Texas; providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Laws, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 108, A bill to be entitled "An Act validating Consolidated Common School District No. 11 of Palo Pinto County, Texas, as same is described in an order of the commissioners' court of Palo Pinto County, Texas, of date July 28, 1924: validating an election for schoolhouse and equipment bonds and the purchase of a site for said schoolhouse, in the sum of \$5000.00, held on August 23, 1924, together with all orders of the commissioners' court of Palo Pinto County, pursuant to said election and in respect to said bonds; also validating all levies of taxes made by said commissioners' court for the purpose of providing interest and sinking fund for said bonds; authorizing the Attorney General to approve said bonds; defining the powers of the school trustees of Palo Pinto County in respect to said district; validating an election for assumption by Consolidated District No. 11 of bonds of component dis-

tricts, together with all orders of the commissioners' court of Palo Pinto County pursuant to said election and in respect to said assumption, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, January 28, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 146, A bill to be entitled "An Act dividing Ropes Independent School District in Hockley County, Texas; creating two independent school districts, of the subdivisions to the Ropes Independent School District; creating and incorporating Ropes Independent School District No. 1 Hockley County, Texas; re-establishing and redefining the boundaries; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing said board to levy, assess and collect taxes for maintenance and building purposes and to issue bonds, providing for an assessor and collector of taxes and for a board of equalization; providing that the Ropes Independent School District shall assume and discharge any and all valid outstanding obligations and indebtedness of Ropes Independent School District No. 1 in Hockley County, Texas; validating and continuing in force all taxes heretofore voted and now in force in said Ropes Independent School District No. 1; providing that title to all property now vested in Ropes Independent School District No. 1 shall on passage of this Act vest in Ropes Independent School District as herein created; providing for filling vacancies in the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall in all things be governed by the General Laws of Texas relating to independent school districts in matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any provision of this Act shall not invalidate any remaining portion or provision, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, January 28, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 76, A bill to be entitled "An Act to provide an old age pension system for resident citizens over the age of seventy years; providing for the administration of the system through the county commissioners' courts of the various counties in the State and requiring the payment of the old age pension and the expense of the administration from the general revenue of the county of which the applicant is a resident; prescribing the qualifications of an applicant for a pension under the Act and permitting the discontinuance of the pension on conviction of an offense or upon evidence of changed status of the pensioner; and fixing the punishment of any applicant or other person violating any of the provisions of this Act, defining certain terms used in the Act and identifying the measure as the Old Age Pension Act of the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TRIPLETT, Chairman.

Committee Room,

Austin, Texas, January 28, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 149, A bill to be entitled "An Act to create One Hundred and First Judicial District of Texas; to name the counties composing said district; to prescribe the time of holding the term of the district court in said district; to prescribe the jurisdiction of said court and giving authority to the judges of the One Hundred and First Judicial District of Texas, and the Fifth Judicial District of Texas to transfer cases from their respective courts to the other said courts in Bowie County, Texas,

either in term time or in vacation; to provide for the appointment of a judge for the One Hundred and First Judicial District and providing for the district attorney of the Sixth Judicial District to prosecute all criminal cases in the One Hundred and First Judicial District while sitting in Red River County until the expiration of his present term of office and thereafter for the county attorney of Red River County to prosecute all criminal cases in the district court of the One Hundred and First Judicial District while sitting in Red River County; and providing that the district clerk of each of said counties shall be the clerk for the One Hundred and First Judicial District; providing for the process issued in the Sixth Judicial District to be returnable to said One Hundred and First Judicial District in Red River County and providing that all cases pending in the district court of Red River County and in the Sixth Judicial District at the time of the taking effect of this Act be and the same are hereby transferred to the One Hundred and First Judicial District Court; and providing that the Sixth Judicial District shall be composed hereafter of the counties of Lamar and Fannin; and prescribing the time of holding terms of court in said Lamar and Fannin counties; and providing in case any section of this Act should be held unconstitutional then, and in that event, it shall not affect the validity of any of the other sections hereof; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PRICE, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 9, A concurrent resolution "That a joint committee from House and Senate recommend a State Song for adoption."

Have had the same under consideration, and I am instructed to re-

port the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. C. R. No. 9, A concurrent resolution "That a joint committee from House and Senate recommend a State Song for adoption."

Beg leave to differ from the majority of said committee and recommend to the Senate that the same do not pass.

PARR.
WIRTZ.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 129, A bill to be entitled "An Act authorizing the sale to the United State of America of the American Legion Memorial Sanatorium of Texas owned by the State of Texas and situated near the town of Kerrville in Kerr County, Texas, including the lands, buildings, improvements, equipments and appurtenances thereunto belonging; regulating the price at which same shall be sold; providing the proper portion of the funds realized from such sale be placed in the State Treasury and making proper disposition of the remainder; authorizing the proper instrument of conveyance to be executed, and declaring an emergency."

Have had the same under consideration, and am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

"Amend S. B. No. 129 by striking from lines 3 and 4 of Section 1 the following words: 'or in the event such property has increased in value at actual cost plus the amount of the increase'."

WIRTZ, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We your Committee on State Affairs, to whom was referred

S. B. No. 92, A bill to be entitled "An Act amending Article 3871 of the Revised Civil Statutes of 1911 as amended so as to increase the compensation of county tax assessors; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, January 28, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and General Land Office, to whom was referred

S. B. No. 135,

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the Committee Substitute bill be passed in lieu thereof.

REAL, Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 128, A bill to be entitled "An Act creating a Civil Service Commission for the State of Texas; including all State, municipal and county employes with certain exceptions; providing for a State Civil Service Commission, consisting of three persons appointed by the Governor; providing for municipal civil service boards in cities of one hundred thousand (100,000) or more inhabitants; providing for duties of said Civil Service Commissioners and boards; prescribing the qualifications and requirements of employes with certain standard of classifications; empowering the Commission to make certain rules and regulations for examination and appointment; providing for reports of said Commissioners and prescribing penalties, abuses and frauds concerning said appointments; prohibiting said employes from participating in

political campaigns; providing for civil suits in enforcing said Act and repealing all laws or parts of laws which are in conflict herewith."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 138, A bill to be entitled "An Act providing that money loaned upon the security of real estate shall constitute the sole security for such loan and that no deficiency judgment shall be recovered and that any such judgment so recovered shall be wholly void, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 143, A bill to be entitled "An Act to amend Article 2771 Revised Statutes 1911, as amended by the Thirty-fifth Legislature, Chapter 160, reducing the amount of bond required by depositories of independent districts."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 152, A bill to be entitled "An Act to amend Article 5118 of the Revised Civil Statutes of 1911 of the State of Texas, relating to persons exempt from jury service by omitting therefrom Section 1 read-

ing as follows: "All persons over sixty years of age," and Section 3 reading as follows: "All Overseers of roads."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Midder, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 96, A bill to be entitled "An Act to provide power in the commissioners' court of Bell County, to pay office rental on telephones and telephone calls for county officers where telephones are used for county purposes or for district officers, and all telephone calls in the discharge of the State or county business and to authorize the commissioners' court to furnish stamps, and certain books, blanks, etc., and pay the same out of the general fund, and create an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 117, A bill to be entitled "An Act to amend Article 1689 of the Revised Civil Statutes of the State of Texas providing that the bond of the district clerk shall be made in such a sum as the commissioners' court may direct, not to exceed twenty-five thousand (\$25,000.00) dollars and providing for the paying for said bond by the commissioners' court out of the general funds of the county."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 151, A bill to be entitled "An Act to amend Article 5695, Revised Civil Statutes of 1911 of the State of Texas as amended by Chapter 123, page 250, of the Acts of Regular Session of the Thirty-third Legislature of 1913, as amended by Chapter—, page 39, of the Session Laws of the First Called Session of the Thirty-third Legislature of 1913 relating to liens reserved in deeds, deeds of trust, vendor's lien notes and the extension thereof by adding thereto the following, to-wit: 'Provided, however, that the lien retained in the original mortgage, deed of trust or conveyance or recorded extension, shall not extend beyond four years from the date of the maturity of the indebtedness specifically described therein,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 119, A bill to be entitled "An Act to amend Article 3681, Chapter 3, Title 53 of the Revised Civil Statutes of Texas of 1911, relating to the taking of depositions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 110, A bill to be entitled "An Act to amend Section 8, Chapter 119 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature

of the State of Texas, 1911, and as amended by Chapter 189 of the Regular Session of the Thirty-fifth Legislature, 1917, and as amended by Chapter 27 of the First Called Session of the Thirty-fifth Legislature, 1916, and as amended by Chapter 19 of the Fourth Called Session of the Thirty-fifth Legislature, 1918, and as amended by Chapter 111 of the Regular Session of the Thirty-sixth Legislature, 1919, and as amended by Chapter 47 of the Third Called Session of the Thirty-sixth Legislature, 1920, relating to official shorthand reporters' compensation in certain counties and districts in this State, to provide for deputy shorthand reporters, to provide methods of preparing transcripts of evidence, and repealing all laws and parts of laws in conflict with said section of said chapter herein amended, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 142, A bill to be entitled "An Act amending Article 1541 of the Revised Civil Statutes of 1911, relating to writs of error before the Supreme Court so as to extend the time in certain cases for filing of petitions for writs of error, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that Senate committee substitute bill attached hereto do pass in lieu thereof.

FAIRCHILD, Vice Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 150, A bill to be entitled "An Act preventing speculation by public printers, and to prevent public printers from reproducing and disposing of matter printed under public contract and profiting thereby without the consent of the State; defining the necessary offenses and fixing the

penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend S. B. No. 150, by striking out Section 3 as now written, and add in lieu thereof the following:

"Section 3. Provided that with the consent of the State Board of Control and the Governor any such person, firm, corporation or association may print extra copies and sell same at a price fixed by the State Board of Control, whenever in the opinion of the board of Control and the Governor the printed matter should be distributed in such manner for the benefit of the public. Provided that any such contract for the printing and sale of such extra copies shall be approved by the Attorney General."

FAIRCHILD, Vice Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 124, A bill to be entitled "An Act to amend Section 3, Chapter 26 of the General Laws of the State of Texas passed by the Thirty-sixth Legislature, at the Regular Session thereof in 1919 entitled 'An Act to fix the compensation of county and district courts' jurors in both civil and criminal cases, jury commissions of the district and county courts and bailiffs of the grand jury,' the amendment being to the effect that each grand jury bailiff appointed as such bailiff by the court in counties of 150,000 population and more according to the 1920 census of the United States shall receive as compensation for his services the sum of \$5.00 for each day that he may serve as a grand jury bailiff."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 137, A bill to be entitled "An Act to amend Article 4155 and 4156 of the Civil Statutes of Texas, 1911, relating to the management and control of the estates of minors by guardian, so as to provide for the sale of the real estate, and for the extension of debts against the estate of such minor, and to provide for securing the payment of such debts and for such improvements by executing mortgages, deeds of trust and mechanics contracts and materialmen lien, in the manner and under the circumstances herein set forth, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice Chairman.

Committee, Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred

S. B. No. 73, A bill to be entitled "An Act to amend Section 1 of Chapter 53, Acts of the Regular Session of the Thirty-fourth Legislature, empowering commissioners' courts to acquire lands for county park purposes, and levy taxes therefor, so as to provide for the levy of taxes or the issue of bonds for the purchase and improvement of lands for county parks, if authorized by majority vote of the qualified property taxpaying voters of the County, voting at elections held for such purposes; adding to said Chapter 53, Acts of the Regular Session of the Thirty-fourth Legislature, two new sections designated as Sections 1a and 1b; providing that the law for holding elections on other county bonds shall apply to tax and bond elections herein authorized; providing that any county that has heretofore voted taxes for county parks may issue bonds for such purpose by complying with the requirements of this Act and first holding an election for that purpose; providing that no county shall levy more than five (5) cents on the hundred dollars' valuation of taxable property for county park purposes, for payment of county park bonds, or both, as the case may be, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

TRIPLETT, Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 146, A bill to be entitled "An Act to determine and regulate the pastoral rights of owners or lessees of land inclosed by fences or natural barriers or partly by fences and partly by natural barriers, among the several owners and lessees of land so inclosed, where such rights are not, or cannot be fixed, by agreement of such owners and lessees, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PARR, Chairman.

Committee Room,

Austin, Texas, January 27, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 105, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters, or attempted to adopt or amend charters since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of Texas, 1913, and validating all proceedings had by city councils or city commissions, or other governing authority, of said cities in regard to the question of the adoption of charters or amendments thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STUART, Chairman.

Committee Room,
Austin, Texas, January 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 103, A bill to be entitled "An Act to amend Article 927, Title 22, Chapter 6, Revised Civil Statutes of 1911, so as to provide that the city council or commission of any city or town shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every person between the ages of twenty-one and sixty years, resident within such city or town on the first day of January of each year (Indians not taxed, and persons insane, blind, deaf or dumb, or those who have lost one hand or foot, excepted), and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STUART, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 111 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 101 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 5 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 21 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 37 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 108 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 109 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 46 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, January 28, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 39 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, January 27, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, Your Committee on Enrolled Bills have had S. B. No. 62 carefully examined and compared, and find the same correctly enrolled, and have this day, at 3 o'clock p. m., presented same to the Governor for her approval.

FLOYD, Chairman.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, January 29, 1925.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Wood.
Parnell.	Woodward.

Absent.

Hardin of Kaufman.Witt.

Absent—Excused.

Bailey.

Prayer by Bishop Moore.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

Bills and Resolutions.

By Senator Stuart.

S. B. No. 173, A bill to be entitled "An Act amending Section 2, Chapter 29, General Laws of the Thirty-eighth Legislature, enacted at the Third Called Session thereof, so as to add the words "in contemplation of death" to the clause levying a tax upon property passing by deed, grant,

sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor or donor."

Read first time and referred to Committee of Civil Jurisprudence.

By Senator Wirtz, et al.

S. B. No. 174, A bill to be entitled "An Act making the people secure in their persons, houses, papers and possessions from all unlawful and unreasonable seizures or searches; making it unlawful in the trial of any court within this State to introduce evidence obtained or testimony secured by or through an unlawful or unreasonable seizure or search made by or under the direction of any peace officer, State Ranger, or any other person; providing for a penalty when making an unlawful search, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senators Parr and Parnell:

S. B. No. 175, A bill to be entitled "An Act to permit the issuance to, and use by Senators and members of the House of Representatives and their families, of free railroad transportation and sleeping car accommodations."

Read first time and referred to Committee on State Affairs.

By Senator Holbrook.

S. B. No. 176, A bill to be entitled "An Act making it a felony to withdraw collateral pledged to a bank on a trust, or other form of receipt, and when so withdrawn to use, sell, repledge or otherwise dispose of same for any other purpose than that of paying the indebtedness; or to fail or refuse to return collateral so withdrawn on a trust, or other form of receipt, on demand, or in lieu thereof, to make to the pledges a cash payment equivalent to the full value of said collateral, or should said collateral exceed in value the indebtedness it secures, to fail or refuse to make a cash payment to the pledges equal to the full amount of said indebtedness; making the proof of certain facts prima facie evidence of criminal intent, but giving the State the right to prove intent in addition thereto by any competent evidence; relieving the State from the necessity of proving that a person when acting in a representative capacity so withdrawing said collateral and